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REMARKS

I. INTRODUCTION

The application has been carefully reviewed in light of the Office Action dated August 7, 2006. This communication is believed to be a full and complete response to that Office Action. Claims 1-5, 8, 10, 12, and 13 are pending in the present application. By the present Office Action, Claims 1-5, 8, 10, 12, and 13 have been rejected.

By the present response, Claims 1, 8, and 13 are amended. No new claims have been added. Claims 2-5, 10, and 12 also remain in the application.

Support for these amendments can be found in the original specification, and thus, no new matter has been added. Applicant reserves the right to pursue all original claims in this or other patent applications. Reconsideration and reexamination of the present application is respectfully requested in light of the foregoing amendments and in view of the following remarks, which establish that the pending claims are directed to allowable subject matter.

II.   CLAIM REJECTIONS

Under 35 U.S.C. § 102

Claim 13

Claim 13 was rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Application Publication No. 2002/0094811 to Bright ("*Bright*"). Applicant respectfully submits that *Bright* does not disclose each of the elements of amended Claim 13.

Pending Claim 13 as amended is reproduced below:

Claim 13. A method, comprising the steps of:

receiving a message *and a termination request* at a message service center, *the message terminating at a dual mode GSM-ANSI Interoperability team (GAIT) communications device*;

determining a Terminal Type of the GAIT communications device;

if a Terminal Type of the communications device is Global System for Mobile communications, then routing the message *and the termination request* using a GSM Home Location Register operating in a Global System for Mobile communications network, the routing of the message using global title translation for a Mobile Station Integration Services Digital Network number associated with the communications device; and

if the Terminal Type of communications device is GSM-ANSI Interoperability Team, then routing the message *and the termination request* using a TDMA Home Location Register in a Time Division Multiple Access communications network, the routing of the message using global title translation for a Mobile Subscriber Identification Number associated with the communications device,

the message being processed for termination at the communications device.

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Applicant respectfully submits that *Bright* does not disclose at least the elements of amended Claim 13 highlighted above in bold italics. In this regard, *Bright* makes no mention of a termination request accompanying any of the messages of its disclosure. Furthermore, *Bright* does not describe terminating a message at a GAIT communication device or determining the terminal type of a GAIT communication device.

Support for the amendments to Claim 13 can be found in the original specification. Support can be found, for example, in Figures 6 and 7, and paragraphs [0028] – [0033]. The amendments do not introduce new matter.

Claim 13 includes additional features not present in *Bright*. Claim 13 recites the features of conditional message routing based on the "Terminal Type" of a received message. This can be seen in the claim's recitation of an if [condition] then [action] structure. In one case, if the Terminal Type is GSM, a message is routed using a GSM HLR in a GSM network using global title translation for a MSISDN of a terminating communication device. On the other hand, if the Terminal Type is GAIT, message routing uses a TDMA HLR in a TDMA network using global title translation of a mobile subscriber identification number of a terminating communication device.

The portions of *Bright* cited in the Office Action discuss the routing of SMS messages across differing network types using a GPRS interoperability function. The cited sections, however, do not disclose the conditional message routing features of Claim 13.

At least for the foregoing reasons, Claim 13 is patentable over the disclosure of *Bright*. The Examiner is respectfully requested to withdraw the rejection thereto.

Under 35 U.S.C. § 103

Claims 1- 5, 8, 10, and 12

Claims 1-5, 8, 10, and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Application Publication No. 2003/0224811 to Jain et al. ("*Jain*") in view of U.S. Patent No. 6,625,461 to Bertacchi ("*Bertacchi*").

To establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to

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combine reference teachings.   Second, there must be a reasonable expectation of success. Finally, the prior art references when combined must teach or suggest all the claim limitations. *See e.g., In re Dembiczak*, 175 F.3d 994 (Fed. Cir. 1999); *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998); *Pro-Mold & Tool Co. v. Great Lakes Plastics, Inc.*, 75 F.3d 1568, 1573 (Fed. Cir. 1996). *See* MPEP § 2142.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.   *See* MPEP § 2143.01; *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).   It is settled that "the teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, and not based on the applicant's disclosure."

Applicant has amended independent Claims 1 and 8.   Applicant respectfully submits that a *prima facie* case of obviousness has not been established which supports the rejection of these claims at least because the hypothetical combination does not include each of the features recited in Claims 1 and 8.   Applicant also submits that there is no teaching or suggestion in the cited references for combining them in the manner set forth in the recent Office Action.   This has been discussed in earlier responses which are respectfully reasserted herein.

Claim 1

Pending Claim 1 as amended is reproduced below:

Claim 1.   A method, comprising the steps of:

migrating a communications device to a Global System for Mobile communications network, the communications device migrated from at least one of the Time Division Multiple Access communications network and a Code Division Multiple Access communications network;

receiving an origination request from the communications device, the origination request for sending a message from the communications device, the origination request comprising a network address;

associating the network address to a signaling system 7 signaling point code, the signaling point code identifying a message service center in the Global System for Mobile communications network;

replacing the network address of the origination request with the signaling point code; and

routing the origination request to the message service center operating in the Global System for Mobile communications network, wherein the origination request is processed by the message service center.

Applicant respectfully submits that the hypothetical combination of *Jain* and *Bertacchi* does not disclose at least the elements highlighted above in bold italics. More specifically, *Jain* and *Bertacchi* fail to disclose the receiving or routing of an <u>origination request</u> for sending a message. Instead, these references discuss the routing of messages themselves. As the combination fails to describe the routing of an origination request it also necessarily fails to describe replacing a network address of an origination request with a signaling point code.

Applicant respectfully submits that the rejection of Claim 1 under this section is improper as described above and requests that the rejection be withdrawn.

Claims 2-5

Claims 2-5 depend from Claim 1 and are allowable over the cited art for at least the same reasons as Claim 1. Applicant requests that the rejection of these claims be withdrawn.

Claim 8

Pending Claim 8 is reproduced below:

Claim 8. A method comprising the steps of:

receiving an origination request at a mobile switching center in at least one of a Time Division Multiple Access (TDMA) communications network and a Code Division Multiple Access (CDMA) communications network, the origination request for sending a message from a communications device, the origination

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request comprising a network address of a message service center associated
with the communication device; and

    routing the origination request to the message service center in a Global
System for Mobile GSM communications network, comprising:

        *retreiving a signaling system 7 signaling point code
associated with the network address;*

        *replacing the network address of the origination request with
the signaling point code;* and

        routing the origination request to a signaling interface between
the GSM communications network and the at least one of a TDMA
communications network and a CDMA communications network, the
signaling system 7 signaling point code being further associated with the
signaling interface,

the origination request being processed by the message service center, thus
allowing the message to be sent from the communications device.

    Applicant respectfully submits that the hypothetical combination of *Jain* and *Bertacchi*
does not disclose at least the elements highlighted above in bold italics. More specifically, *Jain*
and *Bertacchi* fail to disclose the receiving or routing of an <u>origination request</u> for sending a
message. Instead, these references discuss the routing of messages themselves. As the
combination fails to describe the routing of an origination request it also necessarily fails to
describe replacing a network address of an origination request with a signaling point code.

    Furthermore, the combination of *Jain* and *Bertacchi* also fails to disclose a retrieving
step where a signaling system 7 signaling point code is retrieved which is associated with a the
network address of an origination request.

    Applicant respectfully submits that the rejection of Claim 8 under this section is improper
as described above and requests that the rejection be withdrawn.

Claims 10 and 12

    Claims 10 and 12 depend from Claim 8 and are allowable over the cited art for at least
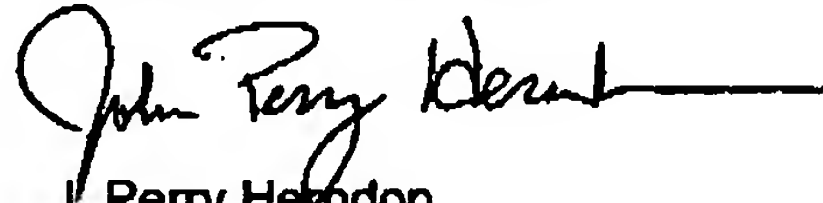the same reasons as Claim 8. Applicant requests that the rejection of these claims be
withdrawn.

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IV.   CONCLUSION

For at least the above reasons, Applicant respectfully requests that a Notice of Allowance be issued for the claims pending in this case. Should Examiner Phan believe that a telephone conference would be useful to resolve any concerns and move this application to allowance, Examiner Phan is respectfully requested to contact the undersigned at the telephone number listed below. Otherwise, Applicant respectfully requests timely issuance of a Notice of Allowance for the present application.

Respectfully submitted,

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